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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,359	09/22/2003	Maureen Heymans	0026-0036	4909

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HARRITY SNYDER, LLP
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EXAMINER

GOODCHILD, WILLIAM J

ART UNIT	PAPER NUMBER
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2145

MAIL DATE	DELIVERY MODE
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07/01/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No. 10/665,359	Applicant(s) HEYMAN ET AL.
Examiner WILLIAM J. GOODCHILD	Art Unit 2145

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 17 June 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-4, 6-14 and 16-47.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Jason D Cardone/
Supervisory Patent Examiner, Art Unit 2145

William J Goodchild
Examiner
Art Unit: 2145

Continuation of 11. does NOT place the application in condition for allowance because: A - Applicant argues "However, SCHULTZ does not disclose or even remotely suggest providing a document to the second user based, at least in part, on a matching of the search rank of a returned document to a search query submitted by a first user."

A - In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., matching of the search rank of a returned document to a search query submitted by a first user) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

B - Applicant argues "SCARFE does not disclose or suggest performing a cluster analysis of geographic locations to locate a cluster of the geographic locations".

B - Scarfe discloses grouping IP address into clusters [Scarfe, page 7, lines 4-5, 12-14, 15-20 and page 14], Scarfe also discloses distance between objects [Scarfe, page 15, line 31], mapping IP addresses into clusters [Scarfe, page 16, line 5].

C - Applicant argues "the Examiner's allegation is merely a conclusory statement of an alleged benefit of the combination."

C - Examiners reason for combining is stated within the 103 after the phrase "in order to". Shultz refers to geographical location of users and supplying relevant data using various methods, Scarfe refers to clustering IP addresses using cluster analysis.

D - Applicant argues "SCHULTZ cannot disclose or suggest that a geographic relevance component additionally determines a probability that a location associated with a user that submitted a search query is geographically relevant to documents in the set of documents based on a statistical model applied to the one or more clusters".

D - Schultz discloses geographical relevance with proximity of geographically defined query and closest information result [Shultz, paragraph 14] and Scarfe discloses analyzing data applied to clusters [Scarfe, at least, page 7, lines 4-5, 12-14, 15-20, page 11, 8-18 and pages 13-16]. The reason for combining are the same as defined in claim 1, 'tabulating where users accessing a particular web site are located'.

E - Applicant argues "SCHULTZ and SCARFE do not disclose or suggest acquiring geographic relevance information for a network resource, the geographic relevance information including information that defines at least one cluster associated with the network resource, the information defining the at least one cluster including at least a center point of the cluster and a measure of dispersion of the cluster".

E - Scarfe discloses a hole in the middle [Scarfe, page 9, lines 22-32, centerpoint] chopping into N non-overlapping clusters determined by a spread of values [Scarfe, page 9, lines 8-18, dispersion].